



MONTHLY HIGHLIGHTS

NOAA
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
HABITAT CONSERVATION DIVISION

February - March 2006

GLOUCESTER, MA OFFICE, ONE BLACKBURN DRIVE, GLOUCESTER, MA 01930

NEW NOAA TECHNICAL MEMORANDUM

The Northeast Fisheries Science Center recently published a new NOAA Technical Memorandum Number 181 entitled "Characterization of the Fishing Practices and Marine Benthic Ecosystems of the Northeast U.S. Shelf, and an Evaluation of the Potential Effects of Fishing on Essential Fish Habitat." It is available on line at <http://www.nefsc.noaa.gov/nefsc/publications/tm/tm181>. Paper copies of this report are not yet available. The authors of the report are David Stevenson, Lou Chiarella, Dianne Stephan, Kurt Wilhelm, and Mike Pentony of the NOAA/NMFS Northeast Regional Office in Gloucester MA, and Robert Reid and John McCarthy of the Northeast Fisheries Science Center's James J. Howard Marine Sciences Laboratory in Highlands, NJ. This report includes chapters on the following topics: descriptions of habitat types and characteristics in the region, descriptions of fishing gears used in the region, the geographic distribution of fishing activity by gear type, a thorough review of published literature on the habitat effects of fishing gear, and an evaluation of the vulnerability of EFH to bottom-tending fishing gear for all 26 managed species in the region. It is 179 pages long and includes numerous tables and figures. The literature reviewed for the report include papers and reports published through summer 2002 and the maps of fishing activity are based on 1995-2001 trip reports from commercial fishing vessels, averaged by ten minute squares of latitude and longitude. The report has been in preparation and review for several years and excerpts from earlier drafts of the report have been widely used in various fisheries management documents prepared by the New England and Mid-Atlantic Fishery Management Councils. (Dave.Stevenson@noaa.gov, 978/ 281-9118)

DRAFT KENNEBEC RIVER ANADROMOUS FISH RESTORATION REPORT RELEASED

The Maine Department of Marine Resources (DMR) released a draft of the 2005 Kennebec River Anadromous Fish Restoration Annual Progress Report for review by the signatories to the 1998 Kennebec Hydro Developers Group settlement agreement. In conjunction with the release of the draft, the Maine DMR held a meeting for state and federal resource agencies and the hydro developers to discuss progress of the ongoing restoration efforts for the Kennebec River

watershed. A significant factor in the 2005 restoration efforts was the extremely high spring water flows, followed by more high flows in the fall. High water levels affected the timing of trucking and survey activities, as well as construction of new fish lifts at three projects. High water levels aside, the Maine DMR was successful in reaching most goals of the restoration plan. It is anticipated that new fishways currently under construction on the Kennebec and Sebasticook Rivers will be operable for the 2006 migration season.

(sean.mcdermott@noaa.gov, 978/ 281-9113)

THREE NEW FISH LIFTS TO BE OPERABLE IN KENNEBEC RIVER WATERSHED

As part of the Kennebec Hydro Developers Group Agreement of 1998 and Kennebec River Restoration Program, three new fish lifts will be installed in the Kennebec River Watershed: one on the mainstem Kennebec River at the Lockwood project, and two on the Sebasticook River at the Benton Falls and Burnham Hydro projects. All three fish lifts are expected to be operational for the 2006 upstream migration season. Telemetry studies will begin in 2006 to prepare for installation of downstream passage facilities. The fish lifts on the Sebasticook River are upstream of the Fort Halifax Dam, where permanent passage has not yet been established. Trap and truck operations will continue at Fort Halifax, and this coming season will include putting additional river herring into the Fort Halifax impoundment to provide passage to the new fish lifts at Benton Falls and Burnham Hydro, and up to Sebasticook Lake.

(sean.mcdermott@noaa.gov, 978/ 281-9113)

AMERICAN EEL GAINING PASSAGE ON THE KENNEBEC RIVER

Upstream passage for American eels currently has been installed at multiple hydroelectric dams on the Kennebec and Sebasticook Rivers. These projects include Lockwood, Hydro Kennebec, Shawmut, and Weston on the mainstem Kennebec River, and at Fort Halifax, Benton Falls, and Burnham projects on the Sebasticook River. Experimental downstream passage was provided in 2005 for American eels at the Benton Falls and Burnham projects. Additional studies for downstream passage are moving forward at Hydro Kennebec and Shawmut projects.

(sean.mcdermott@noaa.gov, 978/ 281-9113)

SPRUCE CREEK DEMONSTRATION PROJECT UPDATE PROVIDED

In November 2005, a team of divers removed a tidal flow restriction from a culvert on Spruce Creek under Route 1 in Kittery. The tidal restriction under Route 1 consists of steel sheet pile with wood boards. The removal is part of a demonstration project proposed by the Spruce Creek Watershed Association (SCWA) to evaluate options for improving water quality in the upper portions of the creek. The flash boards were originally incorporated into the design as an adaptive management approach for the upper portion of Spruce Creek to allow for flushing of the system while retaining the small impoundment. Unfortunately for the aquatic resources, the boards were installed and never removed. On February 8, the SCWA sponsored a meeting to discuss data and observation collected to date, and provide for public comments on the project. Information presented was observation by local citizens. From the onset, there was great concern for the potential odor if water levels were allowed to remain low. However, the residents abutting Spruce Creek were glad to report no odor problems. Some citizens noted more water on the marsh edge during high tide. This may be attributed to small changes in the extent and duration of high water in the system now that the restriction has been partially removed. It is expected that greater changes in wildlife will be observed during the spring and

summer months. (sean.mcdermott@noaa.gov, 978/ 281-9113)

JAMES J. HOWARD MARINE SCIENCES LABORATORY, HIGHLANDS, NJ 07732

ANNUAL MEETING WITH NEW YORK DISTRICT ARMY CORPS OF ENGINEERS

HCD staff met with representatives of the New York District Army Corps of Engineers (ACOE) Planning and Operations Branches to discuss upcoming Civil Works projects. This meeting has been held every year for the past few years and it provides an opportunity to learn what civil works are likely to need review and coordination for the next two fiscal years. The ACOE provided a list of planned projects and when coordination on essential fish habitat and endangered species issued will be requested. Also discussed was progress of the various restoration projects, the harbor deepening and the fisheries sampling for the harbor navigation program. The potential for the development of programmatic EFH assessments for maintenance dredging projects was discussed as well. (Stanley.W.Gorski@noaa.gov, 732/ 872-3037 or Karen.Greene@noaa.gov, 732/ 872-3023)

PROLOGIS BROWNFIELD REDEVELOPMENT

HCD staff hosted a pre-application meeting with representatives of the ACOE, the U.S. Fish and Wildlife Service, Prologis, and its consultants to discuss the company's proposal to redevelop the former Allied Signal site along Newark Bay in Elizabeth. The site is located between Port Elizabeth and the Jersey Gardens Mall. Prologis is proposing to remediate the contamination on the site and to construct warehousing. As part of the remediation, permanent impacts on some *Phragmites* dominated wetlands and open waters are proposed. Prologis intends to provide compensatory mitigation for all wetland and open water impacts by enhancing and expanding an existing tidal ditch on the adjacent site. The proposed mitigation area connects to the mitigation area created for the Jersey Gardens Mall project. (Karen.Greene@noaa.gov, 732/ 872-3023)

SHADOW LAKE FISH LADDER

Staff from the Restoration Center and HCD met with representatives of the American Littoral Society, their consultants, New Jersey's Office of Dam Safety, New Jersey's Division of Fish and Wildlife, and the U.S. Fish and Wildlife Service at the Shadow Lake Dam in Red Bank, Monmouth County. Shadow Lake is in the upper reaches of the Navesink River. Anadromous fishes including alewife and blueback herring are known to spawn at the base of the dam. The dam is owned by Monmouth County, as is Hubbard Ave, the road just downstream of the dam. The American Littoral Society is seeking funding to install a fish ladder in the dam. (Karen.Greene@noaa.gov, 732/ 872-3023 or Craig.Woolcott@noaa.gov, 732/ 872-3069)

ALL SEASONS MARINA PROPOSED IN UPPER TOWNSHIP, NJ

Habitat staff attended a pre-application meeting on February 8, 2006 to discuss a proposed project to refurbish the existing All Seasons Marina on Crook Horn Thorofare in Upper Township, NJ. Reconstruction of docks, installation of a wave attenuator, addition of piers to provide for 109 slips, placement of riprap, reconstruction of 250 feet of timber bulkhead with vinyl bulkhead and maintenance dredging of the marina basin with disposal at the nearby, land-based contained disposal facility (CDF) designated by the State of New Jersey as No. 83, and

another land-based onsite CDF are included in the proposal. Although the additional construction of slips would be within the footprint of the marina, there are concerns about the impact of the development on water quality. There are high density, hard clam beds adjacent to the site. (Anita.Riportella@noaa.gov, 732/ 872-3116)

BOROUGH OF LONGPORT SHOREFRONT PROTECTION

Habitat staff attended a pre-application meeting on February 8, 2006 at the office of the New Jersey Department of Environmental Protection to discuss a proposed project for shoreline erosion and storm protection for a portion of Longport, NJ, adjacent to Great Egg Harbor Inlet. The project would modify the existing 11th Avenue groin so that it would act as a sand bypass groin for the purpose of encouraging the accumulation of sand down drift of the existing stone and concrete groin. The modified groin would be notched to pass just enough sand over it in order to deposit sand in the area needed downdrift, while holding sand back to keep sand on the beaches updrift of the groin. (Anita.Riportella@noaa.gov, 732/ 872-3116)

COMMERCE SQUARE DEVELOPMENT

Habitat staff attended a pre-application meeting on March 8, 2006, with other state and federal agencies to discuss a proposal for high density residential/commercial/retail uses along the Delaware River in Burlington, NJ. One residential component would include a first floor retail space with 2nd and 3rd story townhouses and 4th and 5th story flats above with underground and off street parking for shoppers and visitors. Other housing types would include manor houses and either duplexes or townhouses with off street parking and underground parking. The commercial component would combine retail/food courts, restaurants, hotel/fitness/restaurant and cinema. The hotel would include a conference center and a 64-slip marina. A five story parking garage would service the hotel, retail/commercial and cinema. A second 54-slip marina would be located just south of Burlington Bristol Bridge.

At this time, on site features include an abandoned industrial facility, with the possibility of soil contamination and a river shoreline with concrete rubble and debris. The proposal calls for dredging for the marina construction, but this part of the project may be curtailed because of the presence of wild celery, a species of submerged aquatic vegetation (SAV) which has habitat value for fisheries. The state of New Jersey would not allow the development of a marina if the wild celery is found at the site; and the National Marine Fisheries Service has recommended that a SAV survey be performed to document the presence/absence/density of SAV.

(Anita.Riportella@noaa.gov, 732/ 872-3116)

LAKE LOUISE, POINT PLEASANT

Habitat staff attended a pre-application meeting on March 8, 2006, with other state and federal agencies, to discuss a proposal to dredge approximately 35, 000 cubic yards of sediment from the interior portions of Lake Louise and Cook's Creek (which links the lake to the Manasquan River) to provide continued safe access to the residences located along the lake in the Borough of Point Pleasant. The sediment would be removed using a hydraulic dredge and the material would be piped to a confined disposal facility (CDF) located nearby on the Manasquan River. The area would be dredged to five feet below mean low water, removing an average of three feet of sediment. The lake is approximately 24.7 acres and is surrounded by residential and commercial development. There are numerous residential finger piers, docks and bulkheads

along the shoreline, but these areas are not part of the dredging proposal. The lake had been expanded by excavation and dredging in the early 1900's to its current size.

Areas of concern include the presence of hard clam habitat and essential fish habitat for the early life stages of winter flounder. HCD awaits documentation indicating that dredging has been performed recently, in order to justify the activity as maintenance dredging versus new dredging in shellfish habitat. (Anita.Riportella@noaa.gov, 732/ 872-3116)

MILFORD FIELD OFFICE, 212 ROGERS AVENUE, MILFORD, CT 06460

DREDGING PROPOSED AT US MERCHANT MARINE ACADEMY

Staff at the Milford Field Office recently received word that the U.S. Merchant Marine Academy wishes to dredge, with ten years' maintenance, Hague Basin in Little Neck Bay at Kings Point, Town of North Hempstead, Nassau County, New York. The work will entail removal of approximately 35,675 cubic yards of chemically reduced, organic silt from a nearly 4-acre footprint using a closed bucket. No barge overflow would be authorized. Upon extraction, the material would be processed with cement and subsequently placed as alternate regarding material under the barrier layer of the final cover at the Fresh Kills Landfill, or at other state-approved upland locations. Project review and expanded essential fish habitat coordination for this application will be undertaken in early March. (Diane.Rusanowsky@noaa.gov, 203/ 882-6504)

COMMUNITY ASSOCIATION PROPOSES MAINTENANCE DREDGING WITH BEACH PLACEMENT

Application was made to the New York District, ACOE by the Wunneweta Pond Association to maintain an existing navigation fairway and subsequently use the dredged sand for beach nourishment. All work is proposed in Wunneweta Pond, Little Peconic Bay, within the Town of Southold. Due to regular local shoaling, the work would entail modest annual dredging and placement events over the ten-year permit life. The sediment grain size has been characterized suitable for beach placement, and will be used to nourish a local waterfront parcel.

(Diane.Rusanowsky@noaa.gov, 203/ 882-6504)

MAINTENANCE DREDGING PROPOSED AT LLOYD COVE, COLD SPRING BAY, NEW YORK

Laval Properties has requested Department of the Army authorization to dredge approximately 2,500 cubic yards of sand and gravel accreted at Lloyd Cove, Cold Spring Bay, at the Village of Lloyd Harbor approximately every other year over a ten-year period. The material will be extracted at low tide with mechanical equipment and used beneficially in an appropriate upland location. Appropriate management practices will be implemented in the final work plan to protect local aquatic resources while the work is being undertaken. Direct project impacts are anticipated to be relatively short-lived due to the coarse grain size of the sediments slated for removal and best management practices that will be implemented during the initial and subsequent maintenance cycles. Project construction would facilitate local recreational uses and water circulation between Lloyd Cove and Cold Spring Bay. (Diane.Rusanowsky@noaa.gov,

203/ 882-6504)

VOLVO OCEAN RACE NEARS THE NORTHEAST US

Milford Field Office staff completed coordination with the New York District, ACOE on the essential fish habitat and Fish & Wildlife Coordination Act aspects for a recent New York dredging proposal that will facilitate participants in the Volvo Ocean Race to come to port in lower Manhattan next month. The Volvo Ocean Race, initially established in 1973 as the Whitbread Round the World Race, is considered the most important yacht race in the world. Held every four years, the competitors test not just their sailing prowess and mettle, but also the most state-of-the-art technologies and innovative boat designs. The event departed Vigo, Spain in November 2005 and will end in Goteborg, Sweden this June. In the interim, vessels will come to port in Baltimore/Annapolis, MD and New York City. The contestants will participate in some inshore races while in Maryland, and make a quick pit stop in lower Manhattan before crossing the Atlantic for the final race legs. (Diane.Rusanowsky@noaa.gov, 203/ 882-6504)

SEASONAL MARINE EVENTS UNDER REVIEW

As the weather warms, we are seeing a marked increase for marine event applications in the greater New York Metropolitan area. In particular, we have received project coordination materials from the United States Coast Guard's Waterways Management Division for a series of fireworks displays that will be undertaken between now and Independence Day. We also are anticipating subsequent applications for boat racing, fishing, and other marine events that are customarily scheduled in the Hudson estuary each year. Milford staff complete the habitat conservation aspects of these evaluations for projects that would deploy out of New York waters and listed species coordination is handled by the Protected Resources Division. (Diane.Rusanowsky@noaa.gov, 203/ 882-6504)

DREDGING PROPOSED AT HAVERSTRAW BAY MARINA

Haverstraw Marina Corporation has requested Department of the Army authorization to dredge with ten years maintenance in the Hudson River at West Haverstraw, Town of Stony Point, Rockland County, New York. The proposal entails dredging approximately 2000 cubic yards of material to a depth of 12 feet below mean low water with subsequent upland placement and return flow to the Hudson River. Subsequent dredging events of unspecified volume and frequency may occur as needed during the ten-year life of any permit. Milford staff is coordinating with other involved state and federal agencies on the ecological implications of the proposal, and its potential to adversely affect essential fish habitat and the designated Haverstraw Bay significant coastal fish and wildlife habitat. (Diane.Rusanowsky@noaa.gov, 203/ 882-6504)

MAINTENANCE DREDGING PROPOSED IN NEW YORK STATE CANAL

New York State Canal Corporation has requested Department of the Army authorization to perform maintenance dredging, with upland disposal and return flow to the waterway, within the Champlain Canal portion of the New York State Barge Canal System. The dredge and disposal sites are located in the Town of Schaghticoke, Rensselaer County, New York. Under the present plan, approximately 112,554 cubic yards of coarse-grained sediment would be dredged hydraulically to restore navigation channel depth in a portion of the Champlain Canal portion of the New York State Barge Canal System. Sediment testing did not reveal PCB contamination at

the detection limits required by the New York State Department of Environmental Conservation.

Once extracted, the dredge would deposit the material at an existing placement site, and the material would be dewatered. At least a portion of the project would include return flow to the waterway. The stated purpose of this project is to restore the subject section of the Champlain Canal to its established navigational depth. (Diane.Rusanowsky@noaa.gov, 203/ 882-6504)

FERRY SERVICE CONTEMPLATED TO ACCESS GOVERNORS ISLAND

The Governors Island Preservation and Education Corporation has requested Department of the Army authorization for the installation of a temporary seasonal ferry landing at Yankee Pier on Governors Island in Buttermilk Channel. This island formerly housed part of the local US Coast Guard contingent and includes a number of historical buildings. New work would entail installing a 30-foot wide by 90-foot long steel barge secured in place with steel spud mooring piles and a gangway leading onto Yankee Pier. In addition, barricades would be installed on the existing pier perimeter to facilitate safe pedestrian access. The project is intended to provide seasonal access for private ferry service during the summer months.

(Diane.Rusanowsky@noaa.gov, 203/ 882-6504)

CORNING PRESERVE, PHASE II

The City of Albany intends to construct the second phase of the Corning Preserve plan, which involves creation of additional waterfront access and new dock facilities in the Hudson River. The project site is described as an over six-acre area comprising nearly three acres of federal tidal wetlands and the balance upland. The present design entails filling the tidal wetland area and performing ten acres of otherwise unspecified wetland mitigation upriver of the proposed activities. (Diane.Rusanowsky@noaa.gov, 203/ 882-6504)

MILFORD STAFF PRESENTS TIDAL FLATS & SHALLOWS EFH BRIEFING

Milford Habitat Conservation Division (HCD) staff was invited to train the New England District, Army Corps of Engineers on the importance of tidal flats and shallows as essential fish habitat. This has become increasingly important to the ACOE regulatory program as coastal development continues to increase the number of homeowners seeking access to U.S. waters. Combined with the lack of availability of berthing and mooring opportunities, more individuals seek to construct private access ways to navigable water. These accesses invariably require that pier length be substantial, often over 150 feet, or that dredging be used to create adequate water via a channel to the pier. While some states have determined that dredging and long piers are not compatible with their resource management objectives, others are still assessing the situation and the consequences of the choices. Being afforded the opportunity to present the case for regulatory restraint using a slide show of local projects and a Q&A session, demonstrated the ecological issues and importance of tidal flats and shallows to the ACOE. This report is available by contacting Mike Ludwig. (Michael.Ludwig@noaa.gov, 203/ 882-6504)

ELECTRIC TRANSMISSION PROJECT FOR WESTERN CONNECTICUT

Connecticut Light and Power (CL&P) and United Illuminating Company (UI) have proposed installation of a 69-mile long, 345 kV electrical grid interconnection, cable system between Middletown and Norwalk, Connecticut. The proposal has advanced to the permit finalization stage after more than three years of discussion and coordination between the various parties to the regulatory action. The installation will include approximately 24-miles of cable burial

between Devon (west Milford) and Norwalk and a 45-mile aerial installation between Middletown and Milford. The buried portion includes six significant river crossings. The crossings are designed to take advantage of Horizontal Directional Drilling (HDD), cut and cover as well as jacking and boring installation techniques. The buried section will be one of the longest installations of this type of high voltage cable in the region.

(Michael.Ludwig@noaa.gov, 203/ 882-6504)

CHESAPEAKE BAY FIELD OFFICE, 410 SEVERN AVE, SUITE 107A, ANNAPOLIS, MD 21403

MASONVILLE DREDGE MATERIAL CONTAINMENT FACILITY

The Maryland Port Administration has proposed construction of a new dredge material containment facility within the Inner Harbor region of Baltimore Harbor as part of the Port of Baltimore's 20-Year Dredge Material Management Program (DMMP). The new facility, known as the Masonville Site, will be located on the south shore of the Patapsco River, immediately upstream from the Baltimore Harbor Tunnel crossing. Masonville is one of several dredge material disposal options selected by the Harbor Options Team and Bay Enhancement Work Group, under the DMMP interagency review process, to replace the Hart Miller Island Dredge Material Containment Facility, which will close in 2009. Other inner harbor options include new containment facilities at Sparrows Point and Wagners Point in the Patapsco River, and incorporation of innovative use technology into the Harbor disposal plan for re-use of dredge material, and restoring capacity of existing containment facilities. Inner Harbor disposal options must be specifically designed to receive and/or process contaminated dredge material from the Patapsco River. The proposed Masonville Site, which will affect 129 acres of the Patapsco River bottom and provide approximately 16 million cubic yards of capacity, is currently under NEPA and Section 10/404 interagency review, and a draft EIS is in preparation.

(John.Nichols@NOAA.GOV, 410/ 267-5675)

MARYLAND STATE PROGRAMMATIC GENERAL PERMIT -3

The Maryland State Programmatic General Permit is slated for re-authorization in September 2006. A public notice will be issued by the Baltimore District ACOE in May 2006, describing proposed changes to the general permit, which include consolidation of Category III activities (i.e., state review with federal oversight) into fewer groupings, and moving more of the minimal activities currently under Category III to Category I status (i.e., state review only). The proposed changes are intended to make the application process less complicated for the public, and to reduce the application review load on the federal regulatory and resource agencies. An interagency review team is currently negotiating proposed changes to the general permit, and discussions have also focused on improved mechanisms for ensuring applicant compliance with permit conditions. Because new activities will be added to the existing list of Category I actions, Essential Fish Habitat consultation will be reinitiated between NMFS and the ACOE to negotiate an updated version of the Programmatic EFH Consultation on Category I actions.

(John.Nichols@NOAA.GOV, 410/ 267-5675)